The Atchison Topeka And Santa Fe

Between San Francisco and Chicago Via Albuquerque, and Kansas City.

Speed Comfort and Elegance

Pullman and Dining Service Unsurpassed. Passing through the Grandest Scenery of the West F W Prince, Agent, 641 Market St. San Francis o Cal

Carrecagnatures es a la carecagnatures en la particular de la carrecagnature de la carrecagna

Sacramento Saloon

ANDY TODD, Prop.

The best of liquid refreshments always on tap, including imported and domestic goods.

Good Cigars are a part of our stock.

You never make a mistake at the old corner.

The Eagle Market

Our Meats are the best, if you are not satisfied with the place you are trading call on us Our motto is "The Best." A pleased patron means a steady customer

The Eagle Market

ANNUAL STATEMENT

Of The Home Insurance Co. of New York. Capital (paid up)....\$ 3,000,000 00 12th day of Sept., 1905, in accordance Assets 21,239,052 88 with Section 23, Chapter XLVI, of the Liabilities, exclusive of capital and net surplus 9,518,551 54 Income Premiums Other sources Total income, 1905 Expenditures Losses Dividends ₫..... Other expenditures .. Total expenditures, 1905 7,872,970 35 second is to be conveyed to points in N E 1/4 of S W 1/4 of section 11, Business, 1905. Risks written 1,330,688,280 00 and pipe and there used to generate Premiums thereon ... 13,244,369 17 electrical power. The construction Losses incurred Nevada Business

Risks written 318,390 00 Premiums received ... Losses paid 1,983 84 Losses incurred 1,983 84 A. M. Brutis, Secretary.

-VEV-ANNUAL STATEMENT

Of Business of the Nevada Co. for 1905 Receipts\$132,652 60 Disbursements _____147,864 57 X. M. Hiskey, Cashier

-SPECIAL EXCURSION FROM SAN FRANCISCO TO CITY OF MEXICO AND RETURN. DECEMBER 16th,

A select party is being organized by of \$6.990202 per census child: the Southern Pacific to leave San Francisco for Mexico City, December 16th, 1905. Train will contain fine vestibule sleepers and dining car, all the way on going trip. Time limit will be sixty days, enabling excursionists to make side trips from City of Mexico to points of interest. On return trip, stopovers will be allowed at points on the main lines of Mexican Central, Santa Fe or Southern Pacific. An excursion manager will be in charge and make all arrangements. Round trip rate from San Francisco

Pullman berth rate to City of Mex-

ico, \$12.00. For further information address information Bureau, 613 Market street.

San Francisco Cal.

at Meyers Merc. Co.

For Bargains in toys go to Wiard's

where every article is cut to cost

Notice of Application for Permission to Appropriate the Public Waters of the State of Nevada.

Notice is hereby g iven that on the Statutes of 1905, one Philip V. Mighels and Frank L. Wildes of Carson, inty of Ormsby and State vada, made application to the State Engineer of Nevada for permission to 853,478 14 appropriate the public waters of the 9,639,006 63 State of Nevada. Such application to be made from Ash Canyon creek at 4.240,249 45 points in N E % of 8 W % of section 600,000 00 10 T 15 N R 19 E by means of a dam 2.032.720 90 and headgate and five cubic feet per T 15 N R 19 E., by means of a flume 6,137,946 32 of said works shall begin before June 1, 1906, and shall be completed on r before June 1, 1907. The water shall be actually applied to a beneficial use 7,150 53 on or before June 1, 1908.

Signed: HEN .. Y THURTELL. State Engineer.

SCHOOL APPORTIONMENT. STATE OF NEVADA.

Department of Education, Office of Superintendent of Public Instruction,.

Carson City, Nevada, July 11, 1905 To the School Officers of Nevada: Following is a statement of the sec-

ond semi-annual apportionmen t of School Moneys for 1905, on the basis

Counties ' (children	Amt.
Churchill	135 \$	
Douglass	.317	2,215 90
Elko	1,120	7,829 02
Esmeralda	217	1,516 37
Eureka	389	2,719 20
Humboldt	741	badel &
Lander	. 318	2,828 2
Lincoln	764	Di.41:
Lyon	. 499	8,488 1
Nye	258	8.500 4
Ormsby	-60	1
Storey		F-F-12- 14
Washoe		16,860 26
White Pine	525	3,669 8
	44. 2	

Joe Platt has received samples of tailor made suitings which are, without doubt the finest ever shown in this city. A number of suits have already been made and they are per-Dill and sweet pickles, India Relish feet fits in every case. Get your Chutney Picalilli and Chows, all measure taken and do it before the Heinz goods, best on earth, to be had best samples are gone. He guaran-

IN THE SUPREME COURT OF THE STATE OF NEVADA.

Appealed From the Fourth Judicial District Court, Elko County, Ne-

The State of Nevada, Plaint if and Respondent, anainst Paul Loveluco,

Defendant and Appellant. Attorney General James G. Sweeney, Attorney for State. Wm. Woodburn, Attorney for Appel-

Defendant anneals from a judgment rendered against him in the District Court in and for Elko county for the crime of burglary; and he assigns two reasons why, as he claims, judgment | rigid an interpretation. should be reversed.

First, the insufficiency of the indictment on which the judgment was based: and

Second, the absence of corroboration of the testimony of an accomplice who testified against the defendant. Under the first head the point made on the proper interpretation of the

following clause in the indictment: "The said Paul Lovelace on the 11th day of May, 1904, in the night time of said day, or thereahouts, in the County of Elko, State of Nevada, without an thority of the law and before the finding of this indictment, did wilfully. unlawfully and burglariously break der Burrell.'

Counsel for defendant in his or their brief, if an unsigned paper in the usual form of a brief found among the papers in the case as they appear filed in this court, is by us treated as a

"Appellant claims that this Indictment is not good at common law, because the words 'or thereabouts', relate to and qualify the words 'night time'.". This cues ion was not raised in the court below, but is here presented for the first time.

The question is not whether the indictment would be good "at common law": it is whether it is good under the statute of Nevada that governs the subject. The subject is governed amalgam, the thing stolen; and askby the sections following concerning ed Davidson this question: "What not for the purpose of prohibition, indictments:

Section 4199, Compiled Laws, 1960, stuff. provides that the indictment shall a statement of the acts constituting the offense, in ordinary and concise language, and in such manner as to enable a person of common understanding to know what

Section 4206, Compiled Laws, 1900. has the following: "The words used in an indictment shall be construed the usual acceptance in common language, except such words and phrases as are defined by law, which are to be construed according to their legal meaning."

Section 4208, Compiled Laws, 1900, Sixth—That the act or omission charged as the offense is clearly and distinctly set forth in ordinary and concise language, without repetition, and in such a manner as to enable a person of common understanding to know what is intended.

Section 4209 is as follows: "No indictment shall be deemed insufficient, nor shall the trial, judgment, or the proceeding thereon, be affected, by reason of any defect or imperfection in matters of form, which shall not tend to the prejudice of the defendant:.....

The foregoing enactments show that it was the intention of the legislature of Nevada that in construing indictments the courts should not indulge in a too-exact and over-nice view of language: but that certainty to a common intent was all that should be required. True, in the paragraph of the in-

dictment under discussion, there is something of a departure from the best models of grammatical, rhetorical or linguistic expression. But we think the paragraph meets the requirement of the statute that "the acts constituting the offense should be charged in ordinary and concise language, and in such manner as to enable a person of common understanding to know what is intended." hold the indictment not fatally bad is, we think, to keep within the statutory command, as expressed above in section 4206, or at least not to depart too far from such command, towit, to construe "in the usual accep-

tance in common language." We think the defect of the indictment complained of was such as in the language of Section 4209, above quot ed was a "defect or imprefection in matter of form, which did not tend to the prejudice of the defendant."

The language of the indictment could doubtless be made more acca rate; but we think it is not fatally defective. In brief of Counsel for defendant the following correction is offered:

"If the words 'or thereabouts' had been inserted after the words 'on the 11th day of May, 1904', the indictment could not be the subject of criticism or assault."

Perhaps the following phraseology might be considered an improvement on the phraseology of the indictment: The said Paul Lovelace did in the night time of the 11th day of May, 1904, or in the night time of some day thereabouts the said 11th day

of May, 1904, enter, etc. Said Paul Lovelace did, in the night time, on or about the 11th day of May, 1904, enter, etc.... might perhaps be considered a little better collocation of words, although this is something of a departure from one day. the form suggested in the statute con-

cerning the form of indictments. That mere grammatical punctuational (if verbal "free coinage" may be allowed), rhetorical or linguistic error does not always vitiate is fully sustained by decisions of courts and text writers. The following notably excellent authority is cited to sus-

Cyclopedia of Law and Proceedure (Cyc.) vol. 6, page 199; and authori-

ties there mentioned. While this indiciment, in the respects mentioned is in truth inartistically or Columbia), to take effect immedrawn, yet under the statutes and the diately, will be as follows until furauthorities above stated, we cannot ther notice: say that it is fatally defective. The sections of the statute above quoted show that the legislative intent was that the courts of the State should give interpretations liberal to sustain now 35c. Take advantage of this ofrather than rigid to overthrow indic - fer. ments when, as in this case substantial rights of defendants are not thereby prejudiced: and as we have from the outhority mentioned seen that throw this indictment would seem too Or Ordinance for the Licensing of even under the common law to over-

Under the second head the error claimed is stated in the brief of Coun- The Board of Trustees of Carson sel for defendant as follows:

"On the trial of appellant the de position of one Ross, taken at the pre liminary examination was read in escaped before the trial and his pres- City, who shall carry on as agent, ence could not be procured,

"He testified that he and appellant on the day named in the indictment, or any other game not prohibited by stole a lot of amalgam of the value the statutes of the State of Nevada, of about \$2400, and buried it a short distance from the scene of the crime Appellant claims there was no testimeny corroborative of that of Ross, shall earry on or conduct any bankand enter the building of one Alexaa- and that a conviction could not be ing game played with cards, dice or

In this contention Counsel is, we tnink, clearly mistaken. Besides played with money, checks, credit cr correborates the test mony of the accomplice Ross, Davidson testifies that Edgemont", that is the store that was of said games are carried on in the Davidson further testifies that the defendant "told him he would have got the amalgam if something fendant was trying to dispose of the am I going to do about that damned

If this testimony was true, and its truth was a question entirely for the jury, there was corroboration of the on and after October 1, 1905. testimony of the accomplice Ross. Defendant fails in sustaining either of his two points urged in argument for the reversal of the judgment.

The judgment is therefore affirmed. Fitzgerald, C. J.

We Concur: Talbot, J. Norcross, J. Filed January 4, 1906.

THE PROPERTY OF THE PARTY OF TH TOURIST EXCURSION PARTIES TO

THE EAST. Over the Scenic Line of the World.

If you are going east and want to save money, yett ravel with pleasure and comfort, it will pay you to inexcursions. The parties are in charge of a Manager who accompanies the cars through t oSt. Louis, Chicago and the Atlantic Coast and gives his personal attention to the welfare of each passenger in his charge. The schedules are arranged so you pass through the world-famed scenery on the Denver and Rio Grande Railroad by daylight. Opentop Obeservation cars (something entirely new) are free to all passengers. Let us know where you are going and we will be glad to give you full information about your trip, the lowest rates of fare and send you free of charge some handsome illustrated books of travel.

General Agent. 625 Market Street, San Francisco, Cal.

W. J. SHOTWELL

- 00 at at Cattle and Horses. The City Marshal gives warning that all loose stock found on the streets from this time on will be empounded. A strict attention to this parties ewning stock will take warncity ordinance will be enforced and

ing. Empounding fines will be impos-

ed in every case.

Marshal.

LADIES: I make from \$18 to \$30 Capital (paid up) per week and want all to have the same opportunity. The work is very pleasant and will pay you very handsomely for even your spare time. 1 Premiums speak from experience as I have frequently made \$5.00 in a single day. This is no deception. I want no Losses money and will gladly send full par- Dividends

ticulars to all. Address, MRS. W. W. MITCHELL. Box. 10, Portland Maine. -

Notice to Hur.tetrs.

Notice is hereby given that any person found hunting without a permit Premiums received on the premises owned by Theodore Losses paid Winters, will be prosecuted. A limited number of permits vill be sold at \$5 for the season or 50 cents for

A. C. WINTERS.

Take a look at the new ties that are being shown at Platt's.

portunity for Christmas shoppers.

Liberal Offer.

I beg to advise my patrons that the price of disc records (either Victor

Ten inch disks formerly 70 cears will be sold for 60 cents.

Seven inch records formerly 50c. C. W. FRIEND.

ORDINANCE NO. 112.

Games and Gambling Devices in Carson City.

City do ordain:

Section 1. Each and every person, firm, company, corporation, or assoevidence, because he broke jail and ciation within the limits of Carson manager, owner or proprietor, any entered the store of Alexander Burnell game of faro, roulette, rondo, keno, or who shall carry on or operate any nickle-in-the-slot-machine, or who other device, whether the same be minor points of coroboration, not nec. any other valuable thing or repreessary to be mentioned here, the tes- sentative of value, shall pay for and timony of the wivress W. J. Davidson obtain a city license to carry on such game, and shall pay or each license the defendant requested him (David- twenty-five dollars (\$25.00) per month son) "to help him rob the store at provided ,that when more than one Co. School fund, Dist. 2......151 20 same room or apartment, whether by the same or different owners, each State School fund, Dist. 1..2605 00 had not happened"—the amalgam was game so carried on shall be separate- State school fund. Dist 2...160 00 the article stolen in the robbery, ly licensed; and provided further, Davidson further testifies that the de- that the license imposed by this Ordinance is for the revenue only, and suppression or regulation.

> Section 2. The provisions of this Ordinance shall apply to all time

Section 3. Ordinance Number 59 and all other ordinances or parts of Ordinances in so far as they conflict with the provisions of this Ordinance are herby repealed.

President of the Board of City Trustees of Carson City, Nevada.

H. B. Van Etten, Clerk.

OFFICIAL COUNT OF STATE STATE OF NEVADA.

County of Ormsby, s. s. James G. Sweeney being duly sworn vest our personally conducted tourist say they are members of the Board of Examiners of the State Nev., that on the 29th day of Nov '05 they, (after having ascertained from the books of the State Controller the amount of money that should be in the Treasury) made an offcial examination and count of the money and vouchers for money in the State Treasury of Nevada and found the same correct as follows:

\$151.107 29

Paid coin venchers not re turned to Controller 16.835 71 167.945 00 State School Fund Securities. Irredeemable Nevada State 350,000 00 School bond Mass. State 3 per cent bonds Nevada State Bonds 253,700 00 Mass. State 31/2 per cent 313,000 00 bonds 215,000 00 United States Bonds \$1.866.643.06 Total W. G. Douglass James G. Sweeney

Subscribed and sworn before me this 29th day of November, A. D. 1905. J. Doane, Notary Public, Ormsvy County, Nev.

ANNUAL STATEMENT

Of The State Life Insurance Company Indianapolis, Ind. Assets (admitted) 3,160,083 81 Liabilities, exclusive of capi-2.615,497 63 tal and net surplus 2 946,907 77 197,125 01 Other sources Total income, 1904 2,224,032 78 Expenditures

300 902 69 65,240 11 Other expenditures 1,050,102 76 Total expenditures, 1904 Business, 1904 Risks written 23,276,143 00 Premiums thereon 805,648 06 316,885 00 Losses incured Nevada Business. Risks written 10,000 40 2,852 43

New lines of footwear a arrividaily at Ed. Burlington's Shoe Stor He has been consideradper. by delay in freight 'L. 139 100 arriving daily. You will and the 'areest and best lines of shoes is the rled in his store an. prices lie ai-Wiard is closing out his \$20,000 ways the lowest. You can save one lew wheel wagen, also harmon for

his store.

-000-

5,000 00

W. S. Wynn Secretary.

Quarterly Report.

OFFICE COUNTY AUDITOR

Ormsby County, Nevada. To the Honorable, the Board of Comty Commissioners, Gentlemen: In compliance with the law. herewith submit my quarterly report showing receipts and disburse-

ments of Ormsby County, during the quarter ending Dec. 30, 1905. Receipts. Balane in County Treasury at end of last quarter ... \$40023 36% Fee of Co. officers.......531 40 Rent of county bidg250 00 1st. Instalment taxes.....14924 21%

Semi-Annual Set, State Treas 531 78 Delinquent taxes......23 8014

Slot machine license......282 00

Cigarette license42 30

Keep of W. Bowen 45 00

Disbursements.

Agl Assn. Bond Fund, Series Agl. Assn. Bond Fund, Series

Co. School Fund, Dist. 1 388 95 Co. School fund Dist. 3......30 70 Co School Fund Dist, 4.....24 00 State School fund, dist.3 ... 120 00 State School fund, Dist 4 ... 165 00

Special building5850 00

School library, No. 2 86 00

21,968 5916

Re pitulation. Cash in Treasury October 1905 Receipts from Oct. 1st to Dec Disbursements from Oct. 1st to Dec 30, 190521968 5914 Balonce cash in County Treas.

January 1, 1906...... 39108 7753 Respectfully submitted, H. DIETERICH,

County Auditor. Recapitulation Co. School fund 3248 14 Co. Schood Dist. 1, fund .. 7638 221/2 Co. School Dist. 2, fund..... 139 64 Co. School Dist. 3, fund..... 190 2612 Co. School Dist. 3, fund 425 55 State School Dist. 1, fund...1608 06 State School Dist. 2, fund.....77 54

State School Dist. 3, fund...371 89 State School Dist. 3, fund. . . 371 89 State School Dist 4, fund 19 29 Agl. Assn. Fund A........ 680 8218 Agl. Assn Fund, B......86 86 16 Agl. Assn Fund Special ... 1918 94

Co. School Dist. fund - special Co. School Dist. fund 1, library Co School Dist. fund 3, library

......6 Co. School Dist fund 4, library 10

39108 77% Respectfuly submitted H. B. VAN ETTEN

County Treasurer

Draying

MILLARD CATLIN,

Hauling, Freighting

Trunks and Baggaos

taken to and delivered a all trains.

Ho. For the West...

Tell your friends that the colonist rates are going into effect March 1st. 1905 and expire May 15, 1905. The rate from Chicago, Ill, \$31.00, St. Louis Mo., New Orleans, La, \$30 00, Council Bluffs Ia., Sioux City. Ia., Omah, Neb., Kansas City, Mo., Mineola, Texas and Houston Texas, \$25.00. Rates apply to Main Line points in California and Nevada.

For Sale.

Two quartz wagens, one wood and stock at a sacrifice. This is an oo- money by purchasing footwear at, six herses. House, barn and free lots